

1 ROB BONTA
Attorney General of California
2 IVETA OVSEPYAN
Senior Assistant Attorney General
3 JULIO A. HERNANDEZ
Deputy Attorney General
4 State Bar No. 260508
1300 I Street, Suite 125
5 P.O. Box 944255
Sacramento, CA 94244-2550
6 Telephone: (916) 210-6238
Fax: (916) 322-8288
7 E-mail: Julio.Hernandez@doj.ca.gov
Attorneys for Defendants
8 *Christopher Bates and Jeffrey O'Brien*

9
10 IN THE UNITED STATES DISTRICT COURT
11 FOR THE CENTRAL DISTRICT OF CALIFORNIA
12
13

14 **Jeff Macy, as an individual, Jerusha**
15 **Macy, as an individual, Josiah Macy,**
16 **as an individual, and Jodiah Macy, as**
an individual,

17 Plaintiffs,

18 v.

19 **California Highway Patrol, a State**
20 **Agency; Officer Christopher Bates;**
21 **Supervisor Officer Sergeant Jeffrey**
O'Brien, and Does 1 - 10, inclusive,

22 Defendants.
23

5:23-CV-02245-RGK-BFM

**JOINT SCHEDULING REPORT
AND REQUEST FOR
CLARIFICATION FROM THE
COURT**

Fed. Rule Civ. Proc. 26(f)

Judge: Hon. Brianna Fuller Mircheff
Trial Date: None Set
Action Filed: 5/06/2024

24 In pro se plaintiff Jeff Macy and defendants Christopher Bates and Jeffrey
25 O'Brien hereby file a joint scheduling report pursuant to the court's August 22,
26 2024 Minute Order. (ECF 42.)

27 ///

28 ///

I. PROCEDURAL STATUS

A. August 7, 2024 Scheduling Order re Civil Rights Case

On August 7, 2024, the Court issued a scheduling order in this matter. (ECF 35.) The order set forth a discovery cut-off date of March 7, 2025, and authorized the parties to conduct discovery. Additionally, each party is to file and serve a status report on or before November 7, 2024, indicating, among other items, “a description of any discovery completed, and a schedule for any further discovery.” The parties are to file substantive motions no later than April 7, 2025.

The scheduling order did not require the parties to meet and confer pursuant to Rule 26(f). Thus, pursuant to the Court’s scheduling order, the parties commenced discovery. Nonetheless, the parties have discussed case issues, including discovery, but did not file a Rule 26(f) report because the Court issued a scheduling order.

B. August 22, 2024 Minute Order

On August 22, 2024, the Court issued a minute order requiring the parties to file a Rule 26(f) scheduling report. (ECF 42.) Additionally, the minute order indicates that “this case has not progressed to the point where making discovery request would be proper.”

The Court’s order was as a result of the filing of plaintiff’s interrogatories propounded to each defendant. (EFC 40, 41.) The interrogatories were inadvertently filed with the Court. It was not the intention of plaintiff to have the interrogatories filed but they were filed due to a mix-up. Plaintiff apologizes for any confusion caused to the Court and will not file any additional discovery requests unless attached to a motion or as an exhibit at trial.

II. RULE 26(F) MEET AND CONFER EFFORTS

On August 16, 2024, the parties met and conferred via telephone and discussed the case facts, positions of the parties on the case, discovery, depositions, and the Court’s scheduling order, as contemplated by Rule 26(f). However, as the

///

1 Court previously set a discovery schedule, a Rule 26(f) scheduling report was not
2 filed at that time.

3 **III. STATUS OF DISCOVERY**

4 The parties, relying on the Court's August 7, 2024 scheduling order, have
5 commenced discovery as described below. The parties anticipate completing
6 discovery by the scheduling order cut-off date of March 7, 2025. Moreover, the
7 parties shall submit their respective status reports by November 7, 2024.

8 **A. Written Discovery**

9 Pursuant to defendant's counsel's request on August 18, 2024, plaintiff
10 propounded interrogatories to each defendant, superseding the interrogatories
11 previously propounded jointly on defendants.

12 On August 19, 2024, defendants propounded interrogatories and requests for
13 admissions to plaintiff.

14 **B. Depositions**

15 The parties have agreed to conduct plaintiff's deposition on October 1, 2024.
16 Plaintiff is considering taking the depositions of defendants.

17 **IV. REQUEST FOR CLARIFICATION FROM THE COURT**

18 The parties request clarification from the Court regarding discovery and
19 scheduling. In reliance upon the August 7, 2024 scheduling order, the parties
20 commenced discovery and are satisfied with the order's schedule.

21 However, the Court's August 22, 2024 minute order indicates that discovery is
22 not yet proper and thus, discovery is not authorized. In light of its scheduling order
23 and request for status report on November 7, 2024, it is unclear to the parties
24 whether it is the Court's intention to now schedule a Rule 16 conference.

25 ///

26 ///

27 ///

1 Thus, the parties respectfully request that the Court confirm that the parties are
2 to follow the deadlines and schedules as set forth in the August 7, 2024 scheduling
3 order upon which the parties have hereon relied upon.

4 Dated: August 27, 2024

Respectfully submitted,

5 */s/ Jeff Macy*

6 Jeff Macy
7 In Pro Se Plaintiff

8
9 Dated: August 27, 2024

Respectfully submitted,

10 ROB BONTA
11 Attorney General of California
12 IVETA OVSEPYAN
13 Senior Assistant Attorney General

/s/ Julio A. Hernandez

14 JULIO A. HERNANDEZ
15 Deputy Attorney General
16 *Attorneys for Defendants*
Christopher Bates and Jeffrey
O'Brien

17 SA2024302219
18 38370327.docx
19
20
21
22
23
24
25
26
27
28

CERTIFICATE OF SERVICE

Case Name: *Macy, Jeff, et al. v. California Highway Patrol, et al.*
Case No.: **5:23-CV-02245-RGK-BFM**

I hereby certify that on **August 27, 2024**, I electronically filed the following documents with the Clerk of the Court by using the CM/ECF system:

➤ **JOINT SCHEDULING REPORT AND REQUEST FOR
CLARIFICATION FROM THE COURT**

Participants in the case who are registered CM/ECF users will be served by the CM/ECF system.

I am employed in the Office of the Attorney General, which is the office of a member of the California State Bar at which member's direction this service is made. I am 18 years of age or older and not a party to this matter. I am familiar with the business practice at the Office of the Attorney General for collection and processing of correspondence for mailing with the United States Postal Service. In accordance with that practice, correspondence placed in the internal mail collection system at the Office of the Attorney General is deposited with the United States Postal Service with postage thereon fully prepaid that same day in the ordinary course of business.

I further certify that some of the participants in the case are not registered CM/ECF users. On **August 27, 2024**, I have caused to be mailed in the Office of the Attorney General's internal mail system, the foregoing document(s) by First-Class Mail, postage prepaid, or have dispatched it to a third-party commercial carrier for delivery within three (3) calendar days to the following non-CM/ECF participants:

Jeff Macy
P.O. Box #103
Twin Peaks, CA 92391

In Pro Per

I declare under penalty of perjury under the laws of the State of California and the United States of America the foregoing is true and correct and that this declaration was executed on **August 27, 2024**, at Sacramento, California.

Donna Kulczyk
Declarant

/s/ Donna Kulczyk
Signature